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Trade The News, Inc.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THEFLYONTHEWALL.COM, INC.,

Plaintiff,

v.

TRADE THE NEWS, INC.,

Defendant.

Civil Action No. 07 CV 9612 (CM)(GWG)

**NOTICE OF MOTION AND MOTION TO DISMISS UNDER RULE 12(b)(6)  
FOR FAILURE TO STATE A CLAIM**

**PLEASE TAKE NOTICE** that Defendant Trade The News, Inc. (“TTN”), by its undersigned counsel, hereby moves this Court pursuant to F.R.C.P. 12(b)(6) to dismiss the action because the Complaint fails to state a claim upon which relief can be granted, and for such other relief as this Court deems just and proper.

In support of this Motion, TTN submits herewith Defendant’s Memorandum of Law in Support of Motion to Dismiss; Declaration of Joseph Perrone, Jr. In Support of Motion to Dismiss Complaint; and Declaration of Barry M. Benjamin in Support of Motion to Dismiss Complaint.

Date: December 10, 2007

Respectfully submitted,

/s/ Barry M. Benjamin

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